

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 VLADIMIR Y. KOZUB,

13 Defendant.

CASE NO. CR21-0033-JCC

ORDER

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15 This matter comes before the Court on Defendant's unopposed motion to continue trial
16 (Dkt. No. 16). Having reviewed the briefing and the relevant record, the Court GRANTS the
17 motion for the reasons described below.

18 Trial is currently scheduled for April 19, 2021 and pretrial motions were due March 12,
19 2021. (Dkt. No. 9). Defendant moves to continue trial to sometime in July 2021 and to continue
20 the pretrial motion deadline to provide defense counsel adequate time to prepare for trial and
21 consider the need to file pretrial motions. (Dkt. No. 16.) Defendant indicates additional time is
22 needed to review the discovery, prepare for trial, and consider the need to file pretrial motions.
23 (*Id.* at 1–2.)

24 Moreover, conducting a trial in April 2021, as scheduled, may result in a miscarriage of
25 justice, in light of the ongoing impact of the COVID-19 pandemic. The pandemic has made it
26 difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of

1 the community, and public health guidance has impacted the ability of jurors, witnesses, counsel,
2 and Court staff to be present in the courtroom. (*See* W.D. Wash. General Orders 01-20, 02-20,
3 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 each of which the Court incorporates by
4 reference.)

5 Accordingly, the Court FINDS that the ends of justice served by granting a continuance
6 outweigh the best interests of Defendant and the public to a speedy trial. *See* 18 U.S.C.
7 § 3161(h)(7)(A). The reasons for this finding are:

- 8 1. Taking into account the exercise of due diligence, the failure to grant a continuance
9 would deny counsel for Defendant the reasonable time necessary for effective
10 preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a
11 miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).
- 12 2. The period of delay is necessary for Defendant and his counsel to adequately prepare
13 for trial, investigate the matter, gather evidence material to the defense, and consider
14 possible defenses and pretrial motions.
- 15 3. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate
16 spectrum of jurors to represent a fair cross section of the community, which would
17 likely make proceeding with trial in April 2021 impossible or would result in a
18 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 19 4. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
20 Court staff to be present in the courtroom. Therefore, proceeding with trial in April
21 2021 would likely be impossible or would result in a miscarriage of justice. *See* 18
22 U.S.C. § 3161(h)(7)(B)(i).

23 For the foregoing reasons, the Court ORDERS:

- 24 1. The April 19, 2021 jury trial is CONTINUED until July 19, 2021 at 9:30 a.m.
- 25 2. The pretrial motion deadline is continued to June 10, 2021.
- 26 3. The period from the date of this order to July 19, 2021 is an excludable time period

under 18 U.S.C. § 3161(h)(7)(A) for the reasons stated above.

DATED this 8th day of April 2021.

John C. Conner

John C. Coughenour
UNITED STATES DISTRICT JUDGE

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